



# *Human Relations Commission*

May 20, 2009 – 6:00 p.m. – **Minutes**  
City Hall – Ashley Room – First Floor

View Agenda

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**Present:** Janice Baptist, Commissioner & Chairperson  
William doCarmo, Commissioner  
Estella Ribeiro, Commissioner  
Latisha Silva, Commissioner & Vice Chairperson  
Carol F. Walsh, Commissioner & Secretary  
Reverend Richard D. Wilson, Commissioner

**Also Present:** Marcelina Pina-Christian, Human Services Coordinator

Chairperson Baptist called the meeting to order at 6:08 P.M.

## Acceptance of Minutes of Meetings:

**MOTION** by Mr. doCarmo to accept the Minutes of the April 2009 meeting – **SECONDED:** Ms. Silva – **UNANIMOUS – MOTION CARRIES.**

## **Human Services Coordinator Report – Marcelina Pina-Christian**

### Events, Projects and News Update:

This Commission has had a presence at five events during the months of April and May – All events listed below relate to our mission as it relates to the advocacy of the human rights and civil rights of all citizens and to educate the public about our mission and purpose. Citizens can be informed and, therefore, utilize our services.

- State of the Civil Rights, Town Hall Meeting
- OBVD Snapshots. A neighborhood meeting with Barney Frank
- Film Screening of *Detained*, at Harvard University
- PIP Meeting at Keith Middle School
- H.O.P.E Collaborative Community Meeting

### No projects to date

### Office Correspondence:

- E-Mail from Eddie Johnson regarding the posting of Minutes of HRC Meetings with Management Information Systems – All Minutes of Meetings will be posted with MIS

### MHRC: Minutes of May 8, 2009

- Minutes were E-Mailed to Commissioners and it was noted that New Bedford does more intake than other Commissions
- Melrose is seeking training from MCAD so they can participate in dealing with Complaints
- Discussion regarding that some individuals may be reluctant to bring a Complaint to a Human Relations Commission because they are concerned about how a Commissioner may respond to a given situation and about whether a Commissioner might feel beholden to the Mayor who appointed them – Mr. do Carmo stated that this matter should be addressed and that Commissioners should not be beholden to the Mayor or anyone else. He also stated that this Commission has met with the Mayor and this was made clear during the meeting. Chairperson Baptist stated that this has not been a problem with this Commission and has not been the case. It was agreed that New Bedford HRC Commissioners do not feel beholden to anyone but the community, and they are prepared to carry out their responsibilities.

Commissioners then became involved in a discussion regarding the inclusion of certain personal information of Complainants during HRC open meetings. Mr. do Carmo stated that this is when HRC should go into executive session. Mr. do Carmo asked that we take up this matter with legal counsel. Ms. Walsh noted that it was important to preserve

privacy for the Complainants, that personal information was not included in the Minutes of HRC Meetings, and that this had been discussed previously with legal counsel. It was stated that the privacy of a Complainant was important. Ms. Pina-Christian agreed that she did not want personal information from her report embedded in the Minutes.

**MOTION** by Mr. do Carmo that this Commission seek clarification from legal counsel for guidance in addressing the matter of how personal information should be handled – Chairperson Baptist asked that the Motion be amended to include clarification on the protocol of how to handle confidentiality and the need to go into Executive Session – **SECONDED: Ms. Ribeiro – UNANIMOUS – MOTION CARRIES.**

#### Complaint Status Report:

Closure of Complaints: Letters were sent to Complainants acknowledging their complaint, the action and investigation taken by HRC, and the result and closure of complaint. All Complainants were satisfied. Copies of these letters were distributed to Commissioners.

- Complaint A: Filed with Attorney General's office regarding a Zero Tolerance Gang Policy and sent to this HRC. The letter to Complainant stated that this type of complaint is not within our purview, as the purpose of HRC is to promote mutual understanding and respect among citizens, to assure equal opportunity, and protect the human and civil rights of all citizens. The letter further stated that HRC encourages all initiatives towards reducing violence, and invited Complainant to send a written request if representatives of their group would like to appear before HRC to speak with us about their initiative.
- Complaint B: Regarding neighbor conflict / harassment / hate crime in New Bedford, as has been reported in previous Minutes. Letters to each party were sent acknowledging the successful mediation provided by the Department of Justice. Each party was thanked for their participation and informed that if they need further assistance to contact HRC.
- Complaint C: Regarding two individuals and the wife of one of the individuals that were being harassed by another individual. Charges were filed and this case has gone to court. The letter states that when HRC contacted the management of the building complex where all individuals lived, management stated that the individual who had been charged with the harassment no longer resides in the building complex and that swift action would be taken by management if that individual attempts to return to the properties. It was also noted that because this case had gone to court, it was now out of HRC purview.

New Complaint: Complainant, who resides out of state and had visitation rights with his son, drove to New Bedford with his child. The child's mother filed kidnapping charges and drove to New Bedford to get the child. While en route, Complainant learned from the child that child's mother was abusive to the child, and Complainant contacted DCF. The Complainant learned that he has had custody of his child since 2006 and was faxed the documentation. Regarding the kidnapping charge, after being asked to do so, Complainant went to the North End Police Station in New Bedford on Monday, April 27, 2009, with documentation papers. Officers there refused to read the papers, and when Complainant started to read the papers aloud, the officers ridiculed the manner in which he was reading and told him that he did not know how to read. Complainant stated that officers loudly told him that he had two minutes to leave the station. Complainant told officers that he has a legal right to have his child for seven days and that he did not want to leave without his son. Complainant stated that officers then said that they would arrest him for trespassing if he did not leave. Officers then took the frightened child and gave him to the mother, who was waiting outside of the police station. At this time, Complainant does not know where his son is and states that he was supposed to have his son for seven days. Along with written Complaint given to HRC, there was a Memorandum from DCF documenting the living conditions of the child in his mother's house. As far as the custody battle is concerned, this case is now out of HRC jurisdiction. However, the Complaint is in regard to discrimination he experienced at the North End Police Station. Human Services Coordinator contacted Police Chief Teachman regarding the discrimination complaint, and the Chief is now aware of the problem. Mr. do Carmo stated that the Complainant should have been told to go directly to police. Ms. Pina-Christian stated that Complainant came to HRC because most people do not have the access to the Chief of Police, and that this is something that HRC was able to do for the Complainant. Chairperson Baptist noted that because this Complaint claims discrimination, this is a matter for HRC. She continued that Chief Teachman needs to investigate the matter; and if it is determined that discrimination did occur, the Chief needs to inform HRC of what is being done about it. She noted that a letter will need to be sent to the Complainant with the findings.

After the next Complaint was introduced, Chairperson Baptist suggested a change in the order of the Agenda - It was unanimously agreed to change the Agenda and allow the Complainant, who was present, to explain in more detail the events that occurred.

New Complaint: A complaint was filed with the Human Relations Commission by a construction worker, who was hired by D. W. White to work at the Keith Middle School construction site. Complainant arrived at work site at 6:30 a.m., on May 12, 2009. Complainant stated that he has all the required licenses and supplied this Commission with an extensive resume documenting his experience. On that date, he worked for 5 ½ hours; during which time, individual #1 pulled in with a chipper on the back of a pick-up truck. Complainant then received a call, telling him to stop work and to go over to the pick-up truck, which is owned by individual #2, who was sitting in his truck with a safety paper for Complainant to sign. When Complainant extended his hand to shake individual #1's hand, individual #1 said that he would not shake Complainant's hand and that it was not necessary for him to shake Complainant's hand. Complainant went back to work. Then individual #2 came over to give Complainant another assignment. Complainant then worked on this assignment. Complainant then went to individual #1 about something. Individual #2 had left, so Complainant went to individual #1 for instructions / rules about lightening, and individual #1 was abrupt. Due to a storm, the job was shut down. Complainant started putting things away and finishing up. Complainant got a call from individual #2, who had a bunch of papers in his hand and instructed Complainant to get out of machine. Individual #2 said to Complainant, "we're all set, don't need you. Individual #1 wanted to get rid of you this a.m." Complainant stated that he knew there would be a problem that day with individual #1 when he would not shake Complainant's hand. Complainant was at the job site at 6:30 a.m. and the others came at 8:00-8:30 a.m. Complaint states that he was told by individual #2, "It is his job and he doesn't want you here." Complainant further states that they never gave him conversation or feedback and that he worked by himself. During discussion by Commissioners, Mr. do Carmo gave a summary regarding the procedure that is followed on how workers apply for the jobs and how they are hired. Complainant, aged 58, with 30 years of experience, feels he was unlawfully dismissed from this non-union job for no valid reason, other than the color of his skin. Also, Complainant stated that he was not given protective gear while working. He went to the office of Contract Compliance and the Mayor's office. The Mayor and Bill Burns were supposed to visit the job site. Donald Gomes visited the site and found no discrimination, but did request that HRC email our findings to him. Mr. do Carmo stated that the Complainant acted in a professional manner and referred him to Eddie Johnson. Mr. do Carmo stated that it should be determined if D.W. White is in compliance and performing the job properly; that they received 70 applications through New Directions; and that maybe four qualified. He further stated that 50% of those hired should be residents of New Bedford, 18% minority, and 6% female; and that he thinks New Directions has a serious problem. Complainant asked for assistance in filing a complaint with OFCC and MCAD because he did not want anyone else to have to go through what he went through. It was agreed by Commissioners that it appeared that this Complaint involved discrimination. Chairperson Baptist stated that there is no good practice that dismisses an employee after 5 1/2 hours. Commissioners unanimously agreed this Complaint should be forwarded to Massachusetts Commission Against Discrimination. Human Services Coordinator had previously explained to Complainant that once the Complaint is filed with OFCC and MCAD, the matter is no longer within our purview.

Mr. Eddie Johnson, who attended the meeting along with several others, thanked the Commission. It was agreed that the action HRC will take on the previously listed Complaint will send a message to everyone, including to companies: That hiring requirements should be followed.

Unfinished Business:

Chairperson Baptist then moved to return to the Agenda. She stated that there was still a need to revisit the protocol for appearing before the Human Relations Commission. She stated that she had sent information on this matter to legal counsel but had not yet received a reply.

**MOTION** to adjourn was made by Chairperson Baptist – **SECONDED:** Ms. Walsh – **UNANIMOUS** – **MOTION CARRIES.**

The meeting was adjourned at 7:35 p.m.

Next scheduled meeting: June 17, 2009

A true record attest: \_\_\_\_\_